



October 17, 2019

Questions and Answers Report



Mayor Steve Adler

Mayor Pro Tem Delia Garza, District 2

Council Member Natasha Harper-Madison, District 1

Council Member Sabino "Pio" Renteria, District 3

Council Member Gregorio Casar, District 4

Council Member Ann Kitchen, District 5

Council Member Jimmy Flannigan, District 6

Council Member Leslie Pool, District 7

Council Member Paige Ellis, District 8

Council Member Kathie Tovo, District 9

Council Member Alison Alter, District 10

The City Council Questions and Answers Report was derived from a need to provide City Council Members an opportunity to solicit clarifying information from City Departments as it relates to requests for council action. After a City Council Regular Meeting agenda has been published, Council Members will have the opportunity to ask questions of departments via the City Manager's Agenda Office. This process continues until 5:00 p.m. the Tuesday before the Council meeting. The final report is distributed at noon to City Council the Wednesday before the council meeting.

QUESTIONS FROM COUNCIL

Item #24: Approve a resolution requesting the Board of Directors of Austin Convention Enterprises, Inc. to consider a resolution concerning employee organizing at the Austin Hilton Hotel, directing that Board to present agreements for the operation of the hotel to the Council for approval, and establishing the City's policy to approve operating agreements for the hotel only if such agreements protect the City from the effects of labor disputes by requiring a labor peace agreement.

COUNCIL MEMBER CASAR'S OFFICE

I understand that at present, the ACE Asset Manager's preliminary analysis says that a change cannot be certified to remove the anti-voluntary labor organizing provision (2.21.4—Hilton "will not voluntarily allow a union to organize the Hotel's employees;").

1. Are there any other public convention center headquarters hotels that do have this anti-labor organizing provision?

2. I understand that Houston, San Antonio, Chicago, San Diego, Kansas City, Denver, and Phoenix all have public convention hotels that do not have this provision. Is there a list ACE has of other public convention center headquarters hotels that do not have this anti-labor organizing provision?

Please let me know if the public convention headquarters hotels you list are similar/comparable to ours, and ensure that the answer focuses on public hotels—not private hotels—since the Austin Hilton we are discussing is a public hotel. Also, please ensure a focus on the anti-labor organizing provision listed above specifically.

At this point, the ACE asset manager CHM Warnick is not prepared to address individual questions. If and when any definitive amendment language is approved by the ACE board of directors, they are prepared to address the obligations under ACE's trust indenture. CHMWarnick representatives will be in Austin on Tuesday, October 22 and will make themselves available to meet with you and other City representative to describe their process related to a certification request if needed.

Items #29, #30 and #32: Item #29: Discuss and take possible action on an ordinance related to City Code Sections 9-4-11 (Camping in Public Area Prohibited) and 9-4-14 (Obstruction in the Downtown Austin Community Court Area Prohibited); and creating offenses.

Item #30: Approve a resolution related to camping and other related issues frequently faced by people experiencing homelessness in the City of Austin.

Item #32: Approve a resolution directing the City Manager to assess additional opportunities and make

recommendations for immediate and short-term actions to engage and assist individuals experiencing homelessness.

MAYOR ADLER'S OFFICE

1) What is your (and your staff's — including but limited to the city's medical director, etc.) immediate assessment of whether the city has a public health (or safety) crisis that requires immediate action and, if so, what action do you recommend.

Based on the information that we have at Austin Public Health, we do not believe that the City has a public health crisis at this time

2) Have we had an indication of any greater threat of communicable disease outbreaks since June?

Austin Public Health has not seen any greater threat or immediate increase of communicable diseases since June 2019. [In Texas, there are over 60 reportable communicable diseases, and APH tracks them all.]

3) Since June, does our city face a greater public health risk? Is it possible that we could be facing less risk because more people experiencing homelessness in our community may now be receiving health care and supportive services as they are more readily available? Do you have an educated belief, even if the data is not sufficient to answer?

As stated above, we do not believe there is a health crisis in the city. We do believe that more access to health care, which includes vaccinations, reduces the risk of vaccine-preventable diseases in the homeless population.

4) What, if anything, should Council do to better protect the safety and health of our community?

We welcome council members to continue to meet with key staff to be informed about infectious diseases, current rates, and have a basic understanding about notifiable conditions. We could provide an overview on the daily efforts made by Public Health staff to prevent the spread of disease, protect health and promote the well-being of all. We can send regular reports to council about communicable diseases.

5) Certainly, people experiencing homelessness may well be more visible since June. This could be as a result of more people gathering in more trafficked public areas, or people now in tents having a more visible presence than before when they were in sleeping bags in crevices (even if they remained in the same place). There are indications that this greater presence in more trafficked places may be increasing the interactions between people experiencing and not experiencing homelessness. Do you feel this increased interaction presents a public safety and health risk that the council should act upon?

There may be more tension than actual risk to the general public. Public health can be compromised in unsanitary settings. The City staff efforts to clean areas by removing trash and other human waste is done to keep these areas sanitary. To that end, we are increasing our efforts to clean up areas where trash has accumulated (in particular highway underpasses) and will work in conjunction with services providers and other stakeholders to ensure areas are free of syringe needles and have safe options for syringe needle disposal.

6) Since June, has our city seen an increase in feces, needles, garbage or in the number of people living without homes? Do you have an educated belief, even if the data is not sufficient to answer?

The Parks and Recreation Department has not seen a measurable increase in feces, syringe needles or garbage associated with encampments throughout the park system. Anecdotally, PARD personnel have not seen an increase in individuals living within the park system. However, as encampments are identified and prioritized for clean-up, the same individuals re-establish a living space in alternative areas within the park system. This re-establishment in alternative areas may contribute to the perception of increased numbers of individuals experiencing homelessness.

Before the Violet Bag Pilot program, Austin Resource Recovery (ARR) did not track or compile cleanup related data. The general sentiment is that while there may be a small increase in issues, no one believes that these issues are significantly worse than last year.

There are some spots where fecal matter has been found/reported. This information is based upon the data and the feedback from the staff who are performing cleanups. The City has staff who are trained and are (in working with companies) able to clean up fecal matter. Overall, in comparison, the general sentiment of Austin Public Health is that there is not an increase in fecal matter. There are specific hotspots that are the same hotspots. We are increasing our efforts to frequently clean these hot spots and areas identified by information we receive from 3-1-1 and other data sources.

7) Since June, do we know if more or less of the feces, needles, garbage and trash generated by people living without homes is being picked up and disposed? Do you have an educated belief, even if the data is not sufficient to answer?

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We have data tracking July-September of 2019. When we compare that data to July-September of 2018, there is a 6% increase in Part 1 Violent Crime and a 5% increase in Part 1 Property crime. The data also shows cases involving homeless (as either as the suspect or victim) have increased during these three months in 2019 compared to 2018. Specifically,

	2018 # of cases with both homeless suspect(s) and homeless victim(s)	2019 # of cases with both homeless suspect(s) and homeless victim(s)	% Change	2018 # of cases with homeless suspect(s), and non-homeless victim(s)	2019 # of cases with homeless suspect(s), and non-homeless victim(s)	% Change	2018 # of cases with homeless victim(s), but non-homeless suspect(s)	2019 # of cases with homeless victim(s), but non-homeless suspect(s)	% Change
Part I Violent	33	38	15%	64	71	11%	36	43	19%
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3. The Austin Police Department does not assume any liability for any decision made or action taken or not taken by the recipient in reliance upon any information or data provided.

9) *Are there more steps the City or Council could take to interpret and enforce existing law, where necessary to ensure the public health and safety, such as with the recent police department training bulletins that addressed items such as blocking, impeding, and the elimination of mattresses and upholstered furniture?*

If Council takes an action this week, we will follow the policy, and enforce the law. For now, APD will rely on the current Training Bulletins for the necessary direction to officers on how to enforce the current ordinances.

10) *What, if anything, should Council do to better protect the safety and health of our community?*

From a public safety standpoint, APD understands Council's policy direction regarding the original ordinances while we work on long term housing solutions. The Chief has stated that in order to improve public order, Council should consider banning camping, sitting, and laying on all sidewalks throughout the city (and camping in areas where it was previously prohibited as well) while we work on the long term housing solutions.

11) *Certainly, people experiencing homelessness may well be more visible since June. This could be as a result of more people gathering in more trafficked public areas, or people now in tents having a more visible presence than before when they were in sleeping bags in crevices (even if they remained in the same place). There are indications that this greater presence in more trafficked places may be increasing the interactions between people experiencing and not experiencing homelessness. Do you feel this increased interaction presents a public safety and health risk that the council should act upon?*

We understand from conversations with many in our community that the increased numbers of homeless persons in public places has led to increased interactions with them. We also hear that they have become more emboldened since the ordinances changed, so this leads to an increase in negative encounters (verbal assault, physical assault, etc.) with homeless persons. While these encounters likely are violations of the current ordinances, there are not enough officers to be present around the city when they occur. If they report the conduct, the officers will likely arrive after the incident has ended and the homeless person has left the area. Restricting camping, sitting, and lying should reduce the frequency of these encounters.

12) *What steps, if any, you feel the city needs to take that require Council action and what steps, if any, you need to take directly and administratively?*

Staff needs to continue to work with our professional partners in the community who have the expertise, experience and resolve to house people and we need council's support in the work we are all doing. Staff is developing a briefing to City Council with ECHO regarding ECHO's Austin's Action Plan to End Homelessness. Within the briefing, staff will provide implementation status as well as a prioritization of the strategies within the Action Plan and resources needed. If there are needs that require Council action, they will be presented at that time.

13) *What would be your immediate advice as to whether or not the council should reverse or modify the ordinance changes made last June?*

In hindsight, our community would have benefited from a more robust conversation before council amended the ordinances so that all stakeholders had an opportunity to weigh in before the changes occurred. At this juncture, Council should make some modifications because that is the expectation of the public, given the Council conversations and hard work on proposed ordinances over the past months. The proposed modifications are consistent with information staff provided the Council in an August 30 memo on potential limitations criteria focused on health and safety: in high pedestrian and vehicular trafficked areas as well as high risk floodplains.

Item #31: Discuss and potentially take action regarding an ordinance creating the Rainey Street District Special Revenue Fund funded with right-of-way fees, alley vacation sales payments, and license agreement fees for developments within the Rainey Street Historic District and Subdistrict for Improvements within the Rainey Street Historic District and Subdistrict.

COUNCIL MEMBER ALTER'S OFFICE

1. *The Ordinance appropriate funds for projects within the Rainey Street Historic District that enhance placemaking, promote cultural vibrancy, and celebrate the Mexican American identity, heritage, and history of the Rainey Street Historic District in a manner that engages a citywide audience. What, if any, of these projects could be funding through the Hotel Occupancy Tax?*

In general, if the projects are ones that attract tourists and convention delegates, and they are either:

1. historic preservation that near the convention center, or in an area reasonably likely to be visited by tourists; or
2. cultural arts performances or events that meet the requirements of the cultural arts funding from hotel occupancy taxes

Then the projects could be eligible for funding through the hotel occupancy tax amounts allocated by council for these uses.

2. How much this will cost the departments in one-time and on-going costs.

The Austin Transportation Department (ATD) uses right of way (ROW) permitting and inspection fees to cover the costs associated with ROW plan review, permit issuance and inspection services. ROW fees are also utilized to remove items from the right of way and to invest in transportation infrastructure improvements. The fees are calculated using the actual cost of providing permitting and inspection services and a fee for “leasing” City property in the right of way.

Re-directing the revenue in the Rainey Street Historic District and subdistrict will most likely create financial gaps in ATD’s financial plans for the Fiscal Year 2019-20 Budget. The annual funding depends on the development and construction in that area requiring ROW permitting. At this time, there are 14 private projects with plans submitted to the City, according to information in the City’s AMANDA system. The estimated reduction in available funding for ROW fees would be approximately \$200,000 annually, based on these known projects.

The Public Works Department does not have any lease agreement revenue in this area at this time.

The Office of Real Estate Services (ORES) collects revenue from license agreement and alley vacation fees for the administrative and land value costs associated with the projects submitted by applicants. For reference, a June 14, 2019 [memo](#) in response to Resolution No. 20190523-029 noted that ORES realized \$54,537 in alley vacation and license agreement fee revenue from FY 2013–June 2019 within the Rainey Street District beyond the \$600,000 amount deposited in the Rainey Street District Fund as prescribed by Ordinance No. 20131024-010. Re-directing revenue derived from these fees within this District to the Rainey Street Historic District Special Revenue Fund will reduce future General Fund revenue. The level of impact will be dependent on the number and amount of development projects occurring within the Rainey Street Historic District.

Item #33: Approve a resolution establishing Let Texas Vote Day to encourage civic engagement, amending the City's Personnel Policies to designate Let Texas Vote Day as a City holiday each year beginning in 2020 and expanding administrative leave for the purpose of voting, and adding voting rights priorities to the City's state and federal legislative agendas.

COUNCIL MEMBER ALTER’S OFFICE

1. What will it cost the City, in both one-time and on-going costs, to establish this City Holiday?

City staff has prepared an analysis of costs the City incurred looking at the July 4, 2019 holiday.

Please note, these costs are above and beyond the normal cost of doing business and the budgeted salary amounts. The impacts of Holiday closures to residents, lack of services, and costs to support Election Day activity is not included.

There are three codes that capture time for work on holidays. Regular employees can either bank additional leave time (E2E or EVE for Police) or earn additional pay (HPY) when they work the Holiday.

On July 4, the total number of hours banked for all three codes is 42,960.5. The value of these hours is \$1,424,018.98 (excluding backfill). The value of the leave awarded is \$1,260,242.54, which is not paid out at the time it is earned. The breakdown of this includes:

Paid Out

- 6,870.5 HPY hours were coded, paid out at \$163,776
- Backfill for hours worked for the sworn departments is \$822,881

Value of Time Earned

- 20,826 E2E hours were coded by all department except Police is valued at \$616,470
- 15,264 EVE hours were coded by Police is valued at \$643,773

In conclusion, the City paid out \$163,776 for hours worked on July 4, 2019, and the estimate backfill costs for the earned hours is \$822,881. The City awarded 36,090 hours in exception vacation time.



Council Question and Answer

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Additional Answer Information

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Council Question and Answer

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QUESTION/ANSWER: Council Member Alter’s Office

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Additional Answer Information

Approve a resolution establishing Let Texas Vote Day to encourage civic engagement, amending the City's Personnel Policies to designate Let Texas Vote Day as a City holiday each year beginning in 2020 and expanding administrative leave for the purpose of voting, and adding voting rights priorities to the City's state and federal legislative agendas.

QUESTION/ANSWER: Council Member Alter's Office

1. What will it cost the City, in both one-time and on-going costs, to establish this City Holiday?

City staff has prepared an analysis of costs the City incurred looking at the July 4, 2019 holiday.

Please note, these costs are above and beyond the normal cost of doing business and the budgeted salary amounts. The impacts of Holiday closures to residents, lack of services, and costs to support Election Day activity is not included.

There are three codes that capture time for work on holidays. Regular employees can either bank additional leave time (E2E or EVE for Police) or earn additional pay (HPY) when they work the Holiday.

On July 4, the total number of hours banked for all three codes is 42,960.5. The value of these hours is \$1,424,018.98 (excluding backfill). The value of the leave awarded is \$1,260,242.54, which is not paid out at the time it is earned. The breakdown of this includes:

Paid Out

- 6,870.5 HPY hours were coded, paid out at \$163,776
- Backfill for hours worked for the sworn departments is \$822,881

Value of Time Earned

- 20,826 E2E hours were coded by all department except Police is valued at \$616,470
- 15,264 EVE hours were coded by Police is valued at \$643,773

In conclusion, the City paid out \$163,776 for hours worked on July 4, 2019, and the estimate backfill costs for the earned hours is \$822,881. The City awarded 36,090 hours in exception vacation time.

HPY Payout per Department	
Department	Sum of Earn Amount
Animal Services	\$ 9,991.61
Austin Energy	\$ 27,186.87
Austin Public Health	\$ 785.04
Austin Resource Recovery	\$ 34,041.43
Austin Transportation	\$ 1,426.09
Austin Water Utility	\$ 16,618.23
Aviation	\$ 27,134.57
Building Services	\$ 34.90
Communication & Tech Mgmt	\$ 366.96
Convention Center	\$ 13,347.20
Financial Services	\$ 226.64
Fire	\$ 602.52
Fleet Services	\$ 3,209.06
Law	\$ 189.84
Library	\$ 869.27
Municipal Court	\$ 2,416.08
Parks & Recreation	\$ 14,642.36
Police	\$ 8,434.96
Public Works	\$ 2,132.78
Watershed Protection	\$ 120.03
Grand Total	\$ 163,776.44

E2E and EVE Banked Hours and Backfill Costs		
Department	Total of Hours Worked	Sum of Backfill
Animal Services	32.00	\$ -
Austin Code	8.00	\$ -
Austin Energy	281.00	\$ -
Austin Public Health	2.00	\$ -
Austin Resource Recovery	59.50	\$ -
Austin Transportation	32.00	\$ -
Austin Water Utility	62.00	\$ -
Aviation	336.00	\$ -
Communication & Tech Mgmt	9.00	\$ -
Convention Center	17.50	\$ -
Economic Development	8.00	\$ -
Emergency Medical Services	5,136.56	\$ 231,145.20
Financial Services	9.00	\$ -
Fire	12,994.33	\$ 389,829.90
Human Resources	18.00	\$ -
Library	134.00	\$ -
Municipal Court	30.00	\$ -
Parks & Recreation	96.00	\$ -
Police	16,825.50	\$ 201,906.00
Grand Total	36,090.39	\$ 822,881.10

(valued at \$1,260,242.54)

Summary	
Category	Cost
HPY	\$ 163,776.44 *
E2E & EVE Hour Value	\$1,260,242.54 @
Backfill Sworn	\$ 822,881.10 #
Total Value	\$2,246,900.08
Total Payout	\$ 986,657.54

* HPY - Holiday Worked - paid time for hours actually worked on the day of holiday
 @ EVE & E2E - banked time not calculated for immediate pay out
 # Backfill Sworn - hours used from exception vacation bank and backfilling for employee off work